

REMARKS

Claims 18 to 36 are now pending in the present application.

Applicants respectfully request reconsideration of the present application in view of this response.

35 U.S.C. § 103(a) – Bischel reference

Claims 18 to 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,544,268 to Bischel et al. (“Bischel reference”).

The Bischel reference refers to a flat panel display based on a switching technology for routing laser light among a set of optical waveguides and coupling that light toward the viewer, the switching technology being based on poled electro-optical structures. Abstract. The Bischel reference further refers to combining high brightness and power efficiency inherent in visible semiconductor diode laser sources with a waveguide electro-optical switching technology to form a dense two-dimensional addressable array of high brightness light emissive pixels. Abstract.

In contrast, claim 18 is directed to the wavelength tuning of an optoelectronic component array having at least two optoelectronic components, and requires the features of: comparing a respective measured wavelength of each of the at least two optoelectronic components with a respective desired characteristic wavelength so as to determine a respective wavelength deviation for each of the at least two optoelectronic components, the respective wavelength deviation being the difference between the respective measured wavelength and the respective desired characteristic wavelength of each optoelectronic component; and selectively setting a respective resistance value of a respective resistor arrangement connected between each of the at least two optoelectronic components and a respective resistance heater associated with each of the at least two optoelectronic components so as to achieve a respective thermal change of the respective resistance heater for setting the respective desired characteristic wavelength of each of the at least two optoelectronic components. Applicants respectfully submit that the Bischel reference does not teach or suggest, among other features, selectively setting a respective resistance value of a respective resistor arrangement connected between each of the at least two optoelectronic components and a respective resistance heater associated with each of the at least two optoelectronic components so as to achieve a respective thermal change of the respective resistance heater for setting the respective desired characteristic wavelength of each of the at

least two optoelectronic components. Applicants respectfully submit that one cannot add Applicant's feature to the Bischel reference in hindsight and claim that it would be obvious to try. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990). Indeed, the Court in the case of In re Jones stated that:

Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill . . . would have been motivated to make the modifications . . . necessary to arrive at the claimed [invention].

In re Jones, 21 U.S.P.Q.2d at 1943 & 1944 (citations omitted). In short, there must be evidence of why a person having ordinary skill in the art would be motivated to modify a reference to provide the claimed subject matter of the claims.

In addition to the foregoing, Applicants refer the Patent Office to the Federal Circuit court decision in In re Kotzab which made plain that *even if a claim concerns a "technologically simple concept"* -- which is not even the case here -- such is not enough to "suggest the claimed limitation." The Court stated that:

In this case, the Examiner and the Board fell into the hindsight trap. The idea of a single sensor controlling multiple valves, as opposed to multiple sensors controlling multiple valves, is a technologically simple concept. **With this simple concept in mind, the Patent and Trademark Office found prior art statements that in the abstract appeared to suggest the claimed limitation. But, there was no finding as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of Kotzab's invention to make the combination in the manner claimed.** In light of our holding of the absence of a motivation to combine the teachings in Evans, we conclude that the Board did not make out a proper *prima facie* case of obviousness in rejecting [the] claims . . . under 35 U.S.C. Section 103(a) over Evans.

(See In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Federal Circuit 2000) (citations omitted, italics in original, emphasis added)).

Accordingly, claim 18 is believed allowable over the Bischel reference. Claims 19 to 27 depend from claim 18 and contain claimed features (rather than "design choice[s]") and are thus allowable for at least the same reasons as claim 18.

Claim 28 contains features analogous to those of claim 18 and is thus allowable for essentially the same reasons. Claims 29 to 36 depend from claim 28 and are thus allowable for at least the same reasons as claim 28.

Applicants respectfully submit that claims 18 to 36 are allowable, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of those claims.

CONCLUSION

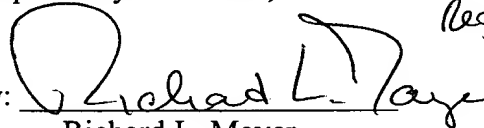
In view of all of the above, it is believed that rejections of the claims have been overcome. Accordingly, it is respectfully submitted that all claims 18 to 36 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

If it would further allowance of the present application, the Examiner is invited to contact the undersigned at the contact information given below.

Respectfully submitted,

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